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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,844	03/13/2002	Jonathan K. Kies	000037	4430
23696	7590	12/28/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			PATEL, KANJIBHAI B	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/099,844

Applicant(s)

KIES, JONATHAN K.

Examiner

Kanji Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. Drawings filed on 3/13/02 have been approved by the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-13** are rejected under 35 U.S.C. 102(b) as being anticipated by Leppisaari et al. (EP 0 884 905 A2; already on record).

**For claim 1**, Leppisaari et al. disclose a system (Figs. 6A-6C) to provide feedback on a face in a video image (page 3, lines 39-42; camera 11 is focused on the face or the upper body of the user 5) received by a wireless communication device (portable mobile stations 10 or 25 or 40 are transmitting video signal or video image via radio communication providing a wireless communication devices; page 2, lines 5-8; portable image phone device is using radio communication to provide wireless communication), the system comprising:

a video-input device to receive the video image (at least a video camera 11 in figures 1A and 6A is used to receive input video image of the user 5);

an image-recognition processor (pattern recognition 61 in figure 6A is used as an image recognition processor to search for a figure 18 as explained on page 3, lines 43-58) coupled to the video-input device (11) to receive and

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analyze the video image (figure 1B), wherein the image-recognition processor (61) is configured to recognize characteristics of the face in the received video image, compare the characteristics of the face in the received video image to a predetermined set of face-characteristics (and selectively generate a feedback signal based on the comparison (page 2 line 40 to page 3 line 10; page 3 line 43 to page 4 line 13);

a signaling device (page 1, column 2; for example an indication characters transmitted on to the display of the terminal 10 corresponds to a signing device) to receive the selectively-generated feedback signal and selectively generate a user-signal based at least in part on the feedback signal received from the image-recognition processor; and

a transmitter (at least 66 in figure 6A) to transmit the received video image to a remote location.

**For claim 2,** Leppisaari et al. disclose the system wherein the selectively-generated feedback signal is one of a predetermined set of feedback signals to convey information related to the comparison of the characteristics of the face in the received video image to the predetermined set of face-characteristics and the user-signal is one of a predetermined set of user-signals to convey information to the user related to the comparison of the face in the received video image to the predetermined set of face-characteristics (page 3 line 39 to page 4 line 13).

**For claim 3,** Leppisaari et al. disclose the system wherein the selectively-generated user-signal comprises an audio signal (inherent in the image phone of figure 6).

**For claim 4**, Leppisaari et al. disclose the system wherein the selectively-generated user-signal comprises a visual signal (figures 1A-1B).

**For claim 5**, Leppisaari et al. disclose the system wherein the selectively-generated user-signal comprises a video signal (figures 1A-1B).

**For claim 6**, see the discussion of claim 1 above. Leppisaari et al. further disclose an image adjustment device to adjust the received image as explained on page 3 line 39 to page 4 line 13.

**For claim 7**, Leppisaari et al. disclose the system wherein the selectively-generated feedback signal is one of a set of predetermined feedback signals (page 4, lines 14-33).

**For claim 8**, see at least the rejection of claim 1 above.

**For claim 9**, Leppisaari et al. disclose the method wherein the selectively-generated user-signal is one of a predetermined set of user-signals to convey information to the user related to the comparison of the face in the received video image to the predetermined set of face-characteristics (page 3 line 52 to page 4 line 13).

**For claim 10**, Leppisaari et al. disclose the method wherein the selectively-generated user-signal comprises an audio signal (inherent in the image phone of figures 6A-6C).

**For claim 11**, Leppisaari et al. disclose the method wherein the selectively-generated user-signal comprises a visual signal (figures 1A-1B).

**For claim 12**, Leppisaari et al. disclose the method wherein the selectively-generated user-signal comprises a video signal (figures 1A-1B).

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**For claim 13**, Leppisaari et al. disclose a method to provide feedback on a face (page 3, lines 39-42) in a video image (figure 1A-1B) received by a wireless communication device (10; terminal 10 is a portable mobile station and in more particularly an image phone; the image of the user's head is recorded and then transmitted to a remote receiver), the method comprising:

receiving the video image (a facial picture of the user 5 is taken by the camera 11);

comparing characteristics of the face in the received video image to a predetermined set of face-characteristics (fig.1B; page 3 line 52 to page 4 line 13);

automatically adjusting the wireless communications device based at least in part on the comparison of the characteristics of the face in the received video image to the predetermined set of face characteristics (page 3 line 52 to page 4 line 13); and

transmitting the received video image to a remote location (page 4, lines 3-13).

#### **Other prior art cited**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morgenthaler (US 6,310,609 B1) discloses a user interface with guide lights for a communications device.

Robb (US 6,177,950 B1) discloses a multifunctional portable telephone.

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Palermo et al. (US 6,459,882 B1) disclose an inductive communication system and method.

#### **Contact Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kanji Patel whose telephone number is (703) 305-4011. The examiner can normally be reached on Monday to Thursday from 8:00 a.m. to 6:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kanji Patel  
Art Unit 2625  
December 23, 2004

  
**KANJIBHAI PATEL**  
**PRIMARY EXAMINER**